

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ANDREWS MARINE SERVICE, INC.,
Plaintiff

v.

CASE NUMBER: 04-1135 (HL)

UNITED SURETY & INDEMNITY CO.,
Defendant.

ORDER

Before the Court is Magistrate Judge Aida M. Delgado-Colon's Report and Recommendation (docket no. 50). In her Report and Recommendation, Magistrate Judge Delgado-Colon recommends that Plaintiff's motion for Summary Judgment (docket no. 24) be **denied** and that Defendant's Cross-Motion for Partial Summary Judgment (docket no. 30) be **granted**. To date, neither party has submitted objections to the Magistrate Judge's Report and Recommendation.

After a review of the record, the Court agrees with the arguments and conclusions in the Report and Recommendation. As such, the Court hereby **APPROVES** and **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety. Therefore, the Court **denies** Plaintiff's motion for Summary Judgment (docket no. 24) and **grants** Defendant's Cross-Motion for Partial Summary Judgment (docket no. 30). Accordingly, the Court hereby **dismisses** Plaintiff's second cause of action (claim of bad faith) with prejudice.

Date: June 21, 2005

S/ HECTOR M. LAFFITTE
United States District Judge